

amounts as are provided in advance in appropriation Acts.”

APPROPRIATIONS FOR OVERMOUNTAIN VICTORY NATIONAL HISTORIC TRAIL AND ICE AGE NATIONAL SCENIC TRAIL; EFFECTIVE DATE; CONTRACT AUTHORITY

Section 2 of Pub. L. 96-370 provided that: “Authorizations of moneys to be appropriated under this Act [amending sections 1244 and 1249 of this title] shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.”

### § 1250. Volunteer trails assistance

#### (a) Volunteer planning, development, maintenance, and management of trails

(1) In addition to the cooperative agreement and other authorities contained in this chapter, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this chapter, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969 [16 U.S.C. 18g et seq.], the Volunteers in the Forests Act of 1972 [16 U.S.C. 558a et seq.], and section 460l-8 of this title (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

#### (b) Scope of volunteer work

Each Secretary or the head of any Federal land managing agency may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to—

(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or

(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.

#### (c) Use of Federal facilities, equipment, tools, and technical assistance

The appropriate Secretary or the head of any Federal land managing agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

(Pub. L. 90-543, §11, as added Pub. L. 98-11, title II, §210, Mar. 28, 1983, 97 Stat. 49.)

#### REFERENCES IN TEXT

The Volunteers in the Parks Act of 1969, referred to in subsec. (a)(2), is Pub. L. 91-357, July 29, 1970, 84 Stat.

472, as amended, which is classified generally to subchapter II (§18g et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 18g of this title and Tables.

The Volunteers in the Forests Act of 1972, referred to in subsec. (a)(2), probably means the Volunteers in the National Forests Act of 1972, Pub. L. 92-300, May 18, 1972, 86 Stat. 147, as amended, which is classified generally to section 558a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 558a of this title and Tables.

### § 1251. Definitions

As used in this chapter:

(1) The term “high potential historic sites” means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

(2) The term “high potential route segments” means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.

(3) The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(4) The term “without expense to the United States” means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 460l-4 et seq.] or any other provision of law shall not be treated as an expense to the United States.

(Pub. L. 90-543, §12, as added Pub. L. 98-11, title II, §210, Mar. 28, 1983, 97 Stat. 50.)

#### REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in par. (4), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§460l-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460l-4 of this title and Tables.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### CHAPTER 27A—NATIONAL RECREATIONAL TRAILS FUND

Sec.  
1261. Repealed.

- Sec.  
1262. National Recreational Trails Advisory Committee.
- (a) Establishment.
  - (b) Members.
  - (c) Chairman.
  - (d) Support for committee action.
  - (e) Terms.
  - (f) Duties.
  - (g) Annual report.
  - (h) Reimbursement for expenses.
  - (i) Report to Congress.
  - (j) Termination.

**§ 1261. Repealed. Pub. L. 105-178, title I, § 1112(c), June 9, 1998, 112 Stat. 151**

Section, Pub. L. 102-240, title I, § 1302, Dec. 18, 1991, 105 Stat. 2064; Pub. L. 104-59, title III, § 337(a)-(d), Nov. 28, 1995, 109 Stat. 602, 603; Pub. L. 104-88, title IV, § 405(a)(5), Dec. 29, 1995, 109 Stat. 957, related to national recreational trails funding program.

SHORT TITLE

Section 1301 of Pub. L. 102-240 provided that: "This part [part B (§§ 1301-1303) of title I of Pub. L. 102-240, enacting this chapter] may be cited as the 'Symms National Recreational Trails Act of 1991'."

**§ 1262. National Recreational Trails Advisory Committee**

**(a) Establishment**

There is established the National Recreational Trails Advisory Committee.

**(b) Members**

There shall be 12 members of the advisory committee, consisting of—

- (1) 8 members appointed by the Secretary from nominations submitted by recreational trail user organizations, one each representing the following recreational trail uses:

- (A) hiking,
- (B) cross-country skiing,
- (C) off-highway motorcycling,
- (D) snowmobiling,
- (E) horseback riding,
- (F) all-terrain vehicle riding,
- (G) bicycling, and
- (H) four-wheel driving;

- (2) 1 member appointed by the Secretary representing individuals with disabilities;

- (3) an appropriate official of government with a background in science or natural resources management, including any official of State or local government, designated by the Secretary;

- (4) 1 member appointed by the Secretary from nominations submitted by water trail user organizations; and

- (5) 1 member appointed by the Secretary from nominations submitted by hunting and fishing enthusiast organizations.

**(c) Chairman**

The Chair of the advisory committee shall be the government official referenced in subsection (b)(3) of this section, who shall serve as a non-voting member.

**(d) Support for committee action**

Any action, recommendation, or policy of the advisory committee must be supported by at least five of the members appointed under subsection (b)(1) of this section.

**(e) Terms**

Members of the advisory committee appointed by the Secretary shall be appointed for terms of three years, except that the members filling five of the eleven positions shall be initially appointed for terms of two years, with subsequent appointments to those positions extending for terms of three years.

**(f) Duties**

The advisory committee shall meet at least twice annually to—

- (1) review utilization of allocated moneys by States;

- (2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this chapter; and

- (3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this chapter.

**(g) Annual report**

The advisory committee shall present to the Secretary an annual report on its activities.

**(h) Reimbursement for expenses**

Nongovernmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 1261(d)(1)(B)<sup>1</sup> of this title, shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

**(i) Report to Congress**

Not later than 4 years after December 18, 1991, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a study which summarizes the annual reports of the National Recreational Trails Advisory Committee, describes the allocation and utilization of moneys under this chapter, and contains recommendations for changes in Federal policy to advance the purposes of this chapter.

**(j) Termination**

The advisory committee established by this section shall terminate on September 30, 2000.

(Pub. L. 102-240, title I, § 1303, Dec. 18, 1991, 105 Stat. 2068; Pub. L. 104-59, title III, §§ 325(h), 337(e), Nov. 28, 1995, 109 Stat. 592, 603; Pub. L. 105-178, title I, § 1112(d), June 9, 1998, 112 Stat. 151.)

REFERENCES IN TEXT

Section 1261 of this title, referred to in subsec. (h), was repealed by Pub. L. 105-178, title I, § 1112(c), June 9, 1998, 112 Stat. 151.

AMENDMENTS

1998—Subsec. (j). Pub. L. 105-178 added subsec. (j).

1995—Subsec. (b). Pub. L. 104-59, § 337(e)(1)(A), substituted "12" for "11" in introductory provisions.

Subsec. (b)(2) to (5). Pub. L. 104-59, § 337(e)(1)(B), (C), added par. (2) and redesignated former pars. (2) to (4) as (3) to (5), respectively.

Subsec. (c). Pub. L. 104-59, § 337(e)(2), substituted "(b)(3)" for "(b)(2)".

<sup>1</sup> See References in Text note below.

Subsec. (i). Pub. L. 104-59, §325(h), substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

## CHAPTER 28—WILD AND SCENIC RIVERS

- Sec.  
1271. Congressional declaration of policy.  
1272. Congressional declaration of purpose.  
1273. National wild and scenic rivers system.  
    (a) Composition; application; publication in Federal Register; expense; administration of federally owned lands.  
    (b) Classification, designation, and administration of rivers.  
1274. Component rivers and adjacent lands.  
    (a) Designation.  
    (b) Establishment of boundaries; classification.  
    (c) Public inspection of maps and descriptions.  
    (d) Comprehensive management plan for protection of river values; review of boundaries, classifications, and plans.  
1275. Additions to national wild and scenic rivers system.  
    (a) Reports by Secretaries of the Interior and Agriculture; recommendations to Congress; contents of reports.  
    (b) Study of report by affected Federal and State officials; recommendations and comments; transmittal to President and Congress.  
    (c) Publication in Federal Register.  
    (d) Areas comprised by boundaries; scope of study report.  
1276. Rivers constituting potential additions to national wild and scenic rivers system.  
    (a) Enumeration of designated rivers.  
    (b) Studies and reports.  
    (c) State participation.  
    (d) Continuing consideration by Federal agencies to potential national, wild, scenic and recreational river areas.  
1277. Land acquisition.  
    (a) Grant of authority to acquire; State and Indian lands; use of appropriated funds; acquisition of tracts partially outside component boundaries; disposition of lands.  
    (b) Curtailment of condemnation power in area 50 per centum or more of which is owned in fee title by Federal or State government.  
    (c) Curtailment of condemnation power in urban areas covered by valid and satisfactory zoning ordinances.  
    (d) Exchange of property.  
    (e) Transfer of jurisdiction over federally owned property to appropriate Secretary.  
    (f) Acceptance of donated land, funds, and other property.  
    (g) Retained right of use and occupancy; termination; fair market value; “improved property” defined.  
1278. Restrictions on water resources projects.  
    (a) Construction projects licensed by Federal Energy Regulatory Commission.  
    (b) Construction projects on rivers designated for potential addition to system.  
    (c) Activities in progress affecting river of system; notice to Secretary.  
    (d) Grants under Land and Water Conservation Fund Act of 1965.  
1279. Withdrawal of public lands from entry, sale, or other disposition under public land laws.

- Sec.  
    (a) Lands within authorized boundaries of components of system.  
    (b) Lands constituting bed or bank of river; lands within bank area.  
1280. Federal mining and mineral leasing laws.  
    (a) Applicability to components of system.  
    (b) Withdrawal from appropriation of minerals in Federal river beds or bank areas; prospecting, leases, licenses, and permits.  
1281. Administration.  
    (a) Public use and enjoyment of components; protection of features; management plans.  
    (b) Wilderness areas.  
    (c) Areas administered by National Park Service and Fish and Wildlife Service.  
    (d) Statutory authorities relating to national forests.  
    (e) Cooperative agreements with State and local governments.  
1282. Assistance to State and local projects.  
    (a) Assistance of the Secretary of the Interior.  
    (b) Assistance of Secretaries of the Interior, Agriculture, or other Federal agency heads; use of Federal facilities, equipment, etc.; conditions on permits or other authorizations.  
1283. Management policies.  
    (a) Action of Secretaries and heads of agencies; cooperative agreements.  
    (b) Existing rights, privileges, and contracts affecting Federal lands.  
    (c) Water pollution.  
1284. Existing State jurisdiction and responsibilities.  
    (a) Fish and wildlife.  
    (b) Compensation for water rights.  
    (c) Reservation of waters for other purposes or in unnecessary quantities prohibited.  
    (d) State jurisdiction over included streams.  
    (e) Interstate compacts.  
    (f) Rights of access to streams.  
    (g) Easements and rights-of-way.  
1285. Claim and allowance of charitable deduction for contribution or gift of easement.  
1285a. Lease of Federal lands.  
    (a) Authority of Secretary; restrictive covenants.  
    (b) Offer to prior owner.  
1285b. Establishment of boundaries for certain component rivers in Alaska; withdrawal of minerals.  
1286. Definitions.  
1287. Authorization of appropriations.

### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 460gg-3, 460bbb-3, 460nnn-71, 460nnn-72, 544k, 698v-7 of this title; title 43 section 2302.

### § 1271. Congressional declaration of policy

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares